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TECH CENTER 1600/2900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Marshall et al.

Application No.: 09/837,235

Group Art Unit: To be Assigned

Filed: April 18, 2001

Examiner: To Be Assigned

For: **STABILIZED PROTEINS**

Attorney Docket No.: 9725-005

**TRANSMITTAL OF POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant submits herewith for filing in connection with the above-identified application an executed Power of Attorney by Assignee and Exclusion of Inventor(s) Under 37 C.F.R. § 3.71, executed on behalf of Avatar Medical, LLC by Christopher P. Marshall on July 12, 2001. An assignment from all of the inventors to Avatar Medical, LLC is being submitted for recordation on even date herewith.

Please direct all correspondence and telephone calls to Pennie & Edmonds LLP at the address indicated below.

Respectfully submitted,

Date September 19, 2001

Adriane M. Antler

32,605

Adriane M. Antler

(Reg. No.)

Stephen K. Sullivan

43,171

Stephen K. Sullivan

(Reg. No.)

By:

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, N.Y. 10036-2711  
(212) 790-9090

Enclosure



#9  
Sent  
1-9-02

POWER OF ATTORNEY

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**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire right, title and interest in, to and under the above-identified application and invention hereby appoints: S. Leslie Misrock (Reg. No. 18872), Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D.

## POWER OF ATTORNEY

Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242) and William J. Sipio (Reg. No. 34514), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

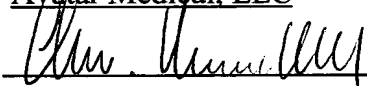
An assignment of the entire interest in the above-identified subject application:

☐ was recorded on \_\_\_\_\_ at reel/frame \_/\_\_\_\_.

☒ is submitted herewith for recording.

Please direct all correspondence for this application to customer no. 20583.

ASSIGNEE: Avatar Medical, LLC

Signature: 

Typed Name: Christopher P. Marshall

Position/Title: President and Manager

Address: 240 Dr. Martin Luther King Jr. Blvd.  
Newark, New Jersey 07102

Date: July 12, 2001



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Marshall et al.  
☐ Patent of:

☒ Application No.: 09/837,235  
☐ Patent No.:

Group Art Unit: To Be Assigned

☒ Filed: April 18, 2001  
☐ Issued:

Examiner: To Be Assigned

For: **STABILIZED PROTEINS**

Attorney Docket No.: 9725-005-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act in behalf of the concern identified below:

Name of organization AVATAR MEDICAL, LLC

Address of organization 240 Dr. Martin Luther King Jr. Blvd.

Newark, New Jersey 07102

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventors to convey rights to the small business concern with regard to the invention entitled "**STABILIZED PROTEINS**" by inventors Christopher P. Marshall, Alexander Hoffman, Joseph P. Errico and Paul B. Marshall, described in

- ☐ the specification filed herewith
- ☒ application No. 09/837,235, filed April 18, 2001
- ☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL   ☐ SMALL BUSINESS CONCERN   ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_

☐ INDIVIDUAL   ☐ SMALL BUSINESS CONCERN   ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_


☐ INDIVIDUAL   ☐ SMALL BUSINESS CONCERN   ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to:	PENNIE & EDMONDS LLP 1155 Avenue of the Americas New York, N.Y. 10036-2711	Direct Telephone calls to: PENNIE & EDMONDS LLP (212) 790-9090
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Name of person signing	Christopher P. Marshall, Ph.D.
Title of person other than owner	President and Manager
Address of person signing	Avatar Medical, LLC, 240 Dr. Martin Luther King Jr. Blvd. Newark, New Jersey 07102

Signature  Date July 12, 2001

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.  
(37 CFR 1.27)